

REMARKS

Further prosecution of the present application and reconsideration and withdrawal of the rejections of the claims is respectfully requested.

The Office Action has disapproved the proposed drawing corrections and the amendment to the specification as allegedly introducing new matter into the drawings. It is respectfully submitted that the drawings, as corrected, and the amendments to the specification do not introduce new matter. The Examiner is directed to the applications making up the priority of the present application, including the provisional patent application, and the drawings of the present invention, all of which contains drawings of a restraint system having various parts, including the parts of the harness, sewn together. Even the drawings as filed in the present application, show elements of the device of the present invention sewn together. It is submitted that, aside from the priority documents, it is an obvious manner of connection of parts made up of strap material to sew the parts together. Further, the addition of stitching, rivets and other means of connections are well within the equivalents that persons having skill in the art would use to attach straps together to form the device of the present invention. Further, applicant is making no claim to the manner in which the straps of the present invention are attached together, such that the addition of the manner of connection does not comprise addition of new matter, but is instead a clarification of the present application. The drawings and text clarify that the parts are attached together.

It is respectfully requested that the Office Action's objections to the drawings and specification be withdrawn.

The Office Action has rejected claims 8, 10 and 14 under 35 U.S.C. § 112 for indefiniteness. Applicant has amended claim 8 to correct the indefiniteness and suggests that the amendments previously made, and for which comment has been made above, should suffice to clarify any indefiniteness found by the Office Action.

Applicant has amended the independent claims to include the limitation that clips are provided to hold the straps to the automobile's restraint system. No art cited by the Office Action shows the use of clips for the specific purpose of holding the straps of the harness to the

seat and shoulder belt system of an automobile. While holding means are shown for use with a tether system, there is no teaching of the use of clips to hold the harness to the restraint system. As such, it is respectfully submitted that the present invention as claimed is not taught by the cited art. Further, while some of the cited art shows the connection of some straps to an automobile restraint system, using such fasteners as Velcro® styled fasteners, the present invention uses clips which provide more security than the use of straps with Velcro® (or other hook and eye fasteners). The use of clips in this manner is novel.

most in new grounds

With respect to the art previously cited in the present Office Action, Applicant resubmits its previous arguments, in light of the present amendments and arguments, and suggests that those references, either alone or combined (where combination has been made by the Office Action, and as noted in Applicant's arguments, the combinations previously offered are not suggested by the art), do not teach the present invention.

examiner maintains previous responses.

It is noted that the previous Office Action's (mailed March 6, 2003) rejection of claims under 35 U.S.C. § 102 have not been continued, Applicant therefore relies that these rejections have been withdrawn.

The Office Action has rejected claims 3-6, 8,9, 13, 17, 18 and 20-23 under 35 U.S.C. § 103(a) as being unpatentable over Lipper et al ('418) in view of Rupert et al. ('474) or Murray ('014). Claims 10, 11 and 14-16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipper in view of Ruppert et al or Murray and further in view of Olaiz ('235). Claims 7, 12, and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipper in view of Ruppert et al. further in view of Bowtell (AU 09959355 A). None of the cited references teach the invention as currently amended and described above. It is respectfully submitted that none of the cited patents anticipate the invention and that their combination, as amended, does not make the invention obvious.

Didn't tell me what's wrong

With respect to the Office Action's Response to Arguments, Applicant disagrees with the interpretation given by the Office Action. Applicant notes, in particular, that the argument that Olaiz and Lipper et al. are analogous art is specious, in that the "problem" is not one of adjustability of belts, but is instead the adjustability of belts such that they will hold a passenger

repeat what I said.

in the event of a crash or other jarring motion. Olaiz is directed to a leash and harness for a child who is walking or in a high chair, such activities do not produce the stresses found in a vehicle and cannot be considered analogous art. Further, hook and loop fasteners in use in a critical part of a harness are not appropriate when used as safety devices in a vehicle, in spite what Lipper et al. may show. However, in Lipper et al. the hook and loop fasteners are not used in a critical safety zone but are instead used merely to position the vehicles built in restraint system on the child. The restraint system of Lipper et al. does not depend on the strength of hook and loop fasteners to keep a passenger in place during a crash, the shoulder belt does that. No one having skill in the art would look to Olaiz and Lipper et al. for instruction on producing a crash worthy vest using hook and loop fasteners, let alone the overlap of the present invention.

Applicant respectfully submits that the second Office Action here should not have been made final, and was done so because of a misunderstanding with respect to the amendments of the figures and specification. Applicant respectfully requests that the finality of the action be withdrawn.

Applicant believes that there is no fee due in connection with this response. If, however, there is a fee due the Commissioner is hereby authorized to charge the unpaid amount, or credit any overpayment, to Deposit Account No. 23-0920.

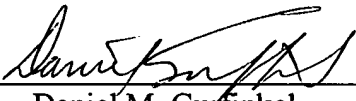
Reconsideration and withdrawal of the rejections of the claims is respectfully requested. A sincere effort has been made to overcome the Examiner's rejection and to place the application in allowable condition. Applicant invites the Examiner to call Applicant's attorney to discuss any aspects of the invention that the Examiner may feel are not clear or which may require further discussion.

Applicant: Kim et al
Serial No. 10/083,083
Date: September 30, 2003
Page -10

In view of the foregoing remarks and amendments, it is believed that the subject application is now in condition for allowance, and an early Notice of Allowance is respectfully requested.

Respectfully submitted,

WELSH & KATZ, LTD.

By: 
Daniel M. Gurfinkel
Registration No. 34,177

September 30, 2003
WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606
(312) 655-1500

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: THE COMMISSIONER FOR PATENTS, MAIL STOP NO FEE AMENDMENT, BOX 1450, ALEXANDRIA, VA. 22313-1450, ON September 30, 2003.


ATTORNEY FOR APPLICANT

September 30, 2003
DATE